

The Guthrie Daily Leader.

OFFICIAL ORGAN OF OKLAHOMA DEMOCRACY.

OFFICE OF PUBLICATION, HARRISON AVENUE.

VOL. 5

GUTHRIE, OKLAHOMA, FRIDAY MORNING, FEBRUARY 1, 1905.

NO. 52

DAY OF DROLL DISCUSSION.

BOTH THE SENATE AND HOUSE WRANGLE AT LENGTH.

GOOD, JUICY HOUSE PROCEEDINGS

Rape Bill Comes Up for Another Interesting Hearing and Finally Reaches the Home Plate—The Senate Engrossed With the Coulson-Gandy Contest Case—Coulson Is Virtually Knocked Entirely Out.

The senate was inflated with a superior grade of wind, oratory and balloon juice yesterday. This unusual condition was brought about by heated discussion of the Coulson-Gandy contest case.

When the body convened at 10 o'clock a message from Governor Renfrow was introduced, announcing that he had signed council joint resolution No. 4, providing for an investigation of the Stillwater college.

Council bill 75, legalizing certain acts of the trustees of Jonesville, Garfield county, was read a third time and passed.

The Coulson-Gandy contest case was taken up on the reports, made by the committee of investigation. There were four reports—the majority report, signed by Ray, Fegan, Orner and Prouty, simply recites that Mr. Coulson was not eligible to a seat at the time of election and hence his seat is vacant. The report signed by Ray, Fegan and Allan recites that Gandy did not receive the majority of the votes cast. These two are the majority reports. The minority report signed by Prouty and Orner, declared that Gandy was entitled to his seat, and another minority report, signed by Allan, declaring that Mr. Coulson was entitled to his seat.

On account of the different character of the two majority reports considerable discussion took place as to which should be taken up first, report number 1, which said that Gandy did not receive the plurality of the votes of the district, or number 2, which declared that Coulson was not eligible for a seat in the legislature at the time of the election on account of being then a member of the Kansas legislature. The report number 2 was voted to be considered first. A motion was made that all the separate testimony bearing upon Mr. Coulson's eligibility be read as a part of the discussion. The motion carried, and the council took a recess until 2 o'clock to give time to select such testimony.

The feature of the afternoon session of the council was the consideration of the Gandy vs. Coulson contest case. During the morning hours the committee on contested election cases presented four reports, two majority and two minority. After a brief squabble as to which report should be considered first, a motion for the reading of Coulson's testimony was carried and the report favoring the unseating of Coulson was first considered.

When President Pitzer's gavel fell at 2 o'clock, the council took up the question of adopting majority report No. 2, in the contest case. The voluminous testimony of Coulson was then read. The report bore directly on the question of residence. It was alleged that Coulson was a Populist member of the Kansas legislature and resided at Anthony, Kans., when elected to the council from the Tenth district. Coulson's testimony was a refutation of this allegation, and thirty closely written pages were covered by him in trying to prove a legal residence in Oklahoma.

Before he reading of the report, Senators Boles realizing that the legislative clerk were in a "broken condition," asked unanimous consent to take up the appropriations bill just reported from the house, but he was not accommodated.

Senator Allen was exceedingly anxious that all members be present during the reading of the report, and asked that absentees be brought in. Senator Scott asked that the sergeant-at-arms be instructed to bring in all absentees. It developed that Senator Fegan was the only member absent. He finally ambled in with the explanation that he had been detained by lending ear to one of ex-Governor Seay's balloon-juice stories.

After the reading of Coulson's evidence, the expert testimony taken by a stenographer before a committee was read by the clerk.

Following the reading of the testimony adduced by the committee, a long, stem-winding Waterbury discussion ensued relative to the eligibility of the incumbent Coulson, to hold his seat.

Senator Tankersly, Populist, dwelled at length on Coulson's residence in Kansas. He held that because Coulson was assessed in Kansas it was no sign he was not a resident of Oklahoma territory. Senator Orner, Rep., spread out his wings and sailed on the wings of oratory. He averred that the Populists in the senate were unanimously in favor of keeping Coulson in his seat and said it "seemed strange." In a tearful voice he declared that Coulson was not

a citizen of Oklahoma and was holding his seat unlawfully. He claimed that Coulson had taken up no bona fide residence in Oklahoma; that all of Coulson's property was listed and assessed in Kansas and that his home in Woods county consisted of a bull calf and a dogout; that Coulson's personal property in Woods county was not given in to the assessor, while all his property in Harper county, Kansas, was legally scheduled. Orner complimented Coulson as being the most skillful Populist politician in Southwestern Kansas and said that when Coulson came to the legislature he knew that he was coming to a seat he was not entitled to. Orner's speech was a first rate Republican effort.

Senator Spencer, the whistlered Populist of Payne, said that the fact that Coulson held a seat in the Kansas legislature cut no figure in the case, as Coulson gave up his Kansas name when he located in Oklahoma. He said he believed that the assessor had the right to assess Coulson's property in Kansas but he had no right to give Coulson an exemption. He said there could be no question of Coulson's citizenship. Mr. Spencer made a ringing speech and declared that neither bias nor prejudice "was working on him."

Senator Boles said he was a Republican from a Democratic state and added that he sympathized with the Populists in some things. Judge Boles touched on the most salient points of the testimony, and like the remainder of the Republican senators, tendered a verdict, as per instructions, that the obnoxious incumbent should be removed.

Senator Baker, Rep., remarked that he was no lawyer and was muddled as regarded the citizenship of Coulson, but he was positive that Coulson should be summarily bounced.

Senator Spencer arose to a question of information. Said he: "Did not Secretary Smith decide that all people who were in the Strip September 16th, '04, were entitled to vote?" President Pitzer pulled out a Republican laugh by stating that "the opinions of Holke Smith were not law in this body."

Senator Fegan, Republican, boarded an oratorical toboggan and endeavored to oust Coulson from his seat by sheer force of bombast. In clerical tones he defined the difference between inhabitant and citizen and claimed that there was no question of Coulson's illegality.

Senator Allen, Populist, said that some bias oozed up in this matter and that he entertained a wee bit.

Senator Doon, Populist, the patriarch of the senate, spoke of the discussion as an animated love-feast and an admiration society. He said that the strongest intellect could be shaken by the awful fact that one committee of five had presented four reports on the question. He gave his time to the citing of Republican authorities relating to citizenship and made a number of good points.

Senator Prouty made a few remarks in regard to Doon's slyness and subsided.

At this juncture the chair put the question for the adoption of the report. During the balloting Senator Ray, Democrat, explained his vote and said that he did not believe that Mr. Coulson was eligible to his office when he was elected, but added that he would vote against the adoption of the report. Subsequently he changed his vote.

Senators Scott and Tankersly also explained their votes and were followed by President Pitzer who in voting made a vigorous address on personal rights. Mr. Pitzer said he was a partisan, but in this action he was not guided by partisanship. He believed that the incumbent should be removed.

The vote, on being announced, stood 8 for the adoption of the report and 4 against, with Coulson not voting.

After some random talk relative to a night session, the senate adjourned until 10 a. m. today.

House.

The house was called to order with all members present, and opened with prayer by Chaplain McPheeters.

The ways and means committee recommended the passage of house bill 35.

The appropriations committee reported a substitute for house bill number 91 and recommended that it be placed on passage at once, as an emergency bill. This bill appropriates \$4,000 to pay clerks and subordinate officers of the legislature and \$900 for stationery and postage for the superintendent of public instruction, and under suspension of the rules was read three times and passed.

The committee on engrossed bills reported house bills 84 and 26, properly engrossed, and council joint resolution number 4, delivered to the governor for his signature.

The committee on roads and highways reported favorably on house bill 102, an act to legalize half-section lines as highways.

House bill 51, by Spencer, to allow two or more school districts to unite and establish graded schools, was placed upon its third reading and passed.

The committee on fish and game re-

ported a substitute for bills 47 and 109, a bill for the better protection of game.

The education committee was granted two weeks' further time on the Norman five-mile school bill.

Bills were introduced as follows: No. 12, by Mr. Smith, an act to change the time of listing property to the first day of March.

No. 130, by Mr. Barnes, an act to locate and establish the colored normal school of Oklahoma.

The bill provides for the establishment of a normal school for negro students, exclusively, under the control of a board of educators of five members. It is to be located within one mile of some town to be designated by the board, upon forty acres of ground donated free, 10 acres to be used for a site and 30 acres laid off in lots and sold, the proceeds, in connection with \$5,000 in bonds voted by the county wherein located, to be used to erect a building.

Mr. Vickers offered a resolution authorizing the railway committee to employ a clerk at a salary of \$4 per day.

This brought on considerable discussion.

Mr. Elliott said his committee had a good clerk whom the railway committee could have half of the time.

Mr. St. John said he had one of the best and most accurate clerks in the legislature whose services were at the disposal of the railway committee.

Mr. Lowery said that too many clerks had already been employed and such extravagance would hurt the Republican party.

Mr. Vickers said the only mistake he had made was not to demand a clerk at the start and get in the ring as all the gentlemen who opposed his resolution, had secured clerks early in the session.

Mr. Hogan said he was more interested in the success of the Republican party two years hence than he was in committee work and he believed that unless economy was practiced the party would be held accountable. As it was he did not believe any of the clerks worked over two hours a day.

Mr. Walling said if a clerk was needed he was in favor of it, as only the best legislation was needed and this could not be accomplished without proper help.

Mr. Nesbitt opposed the resolution and called for information as to the number employed and was informed that there were twelve clerks. He said the expense of this legislature for extra help would reach \$8,000, fully twice the expense of any other legislature.

Mr. Stein said the railway committee was a very important one and would have much work to do, therefore needed a clerk.

Mr. Mason said he was chairman of two committees, each of which had a competent clerk, and would be glad to turn one of these clerks over to the railway committee entirely if they desired.

The resolution was adopted by a vote of 14 to 10.

Mr. McCoy introduced a resolution memorializing congress to grant an extension of time to the settlers in the various Indian reservations on the first payment on their homesteads, as a large majority would lose their homes were such extension not granted. Adopted.

Mr. Lowery offered a resolution calling upon the chairmen of the appropriation committees of both houses to furnish a list of all extra employees, with compensation of same, and statement of how employed. Adopted.

Council bill 41, relating to lodges, emblems and insignia of secret societies and 51, relating to employment of soldiers' judiciary.

Council bill 24, to judiciary; 47, to ways and means.

Council bills 41, 51 and 24 and house bills 120, 125 and 126 were referred to the committee on judiciary; council bill number 47 to the ways and means committee; house bill 121 to committee on education; house bills 122 and 124 to committee on railways; house bill 123 to committee on county organization and house bill 127 to committee on agriculture.

Mr. St. John moved to have house bill 19, relating to rape, recommended to the committee of the whole. Mr. Elliott opposed this as the bill had already been agreed upon and recommended for passage. Mr. Lowery favored taking the bill up for change as some of the members had no doubt been kept from fully debating it by the presence of ladies on the afternoon previous. He wanted the bill to demand proof that the girl was virtuous and chaste even if under 14 or 16. The punishment was too severe in case where girl was unchaste. The boys and young men needed some protection also. Mr. Elliott said it came with poor grace for members to acknowledge that they were afraid to fight the bill because the ladies were present. The motion to recommit prevailed by a vote of 17 to 8.

A motion to adjourn was voted down.

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